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|-------------------------------|------------------------|------------------------|
| <b>Notice of Allowability</b> | Application No.        | Applicant(s)           |
|                               | 10/810,127             | STERN-BERKOWITZ ET AL. |
|                               | Examiner<br>EMEM EKONG | Art Unit<br>2617       |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the patent application filed on March 26, 2004.
2.  The allowed claim(s) is/are 1-18.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1,4-15, and 17-21 are allowed and are renumbered 1-18.

2. The following is an examiner's statement of reasons for allowance:

Consider claims 1, and 11, the best prior art found during the examination of the present application, Holur et al. (U.S. Patent No. 6,957,071 B1), fails to disclose the method wherein the selecting step includes: examining a first set of base station capabilities; determining whether the set of resources would exceed any of the first set of capabilities; terminating the method if any of the first set of capabilities would be exceeded; examining a second set of base station capabilities; determining whether the set of resources can be allocated without exceeding the second set of capabilities; and if a set of resources can be found that does not exceed the first set and the second set of capabilities of the base station, then executing the allocating request by the RNC; else rejecting the allocation request by the RNC.

Holur et al. discloses a method for allocating resources in a wireless communication system including a base station and a radio network controller (i.e. serving node) (abstract, col. 1 lines 12-35, col. 1 lines 46-55, and col. 2 lines 12-22), (method for managing wireless bandwidth resources, which includes the mobile unit, the base station, and the serving node) the method comprising the steps of:

receiving an allocation request for a new service at the RNC (col. 1 lines 57-63, col. 5 line 60-col. 6 line 4, and col. 6 lines 25-29), (receiving at a serving node a service request);

selecting resources by the RNC to allocate to the new service that takes into account the capabilities of the base station (col. 6 lines 29-51, and col. 15 lines 43-47), (initiating a session may involve allocating radio resources, establishing an RP session between the base station and the serving node); and

if a set of resources can be found that does not exceed the capabilities of the base station, then executing the allocation request by the RNC; else rejecting the allocation request by the RNC. However, Holur et al. fails to disclose a set of resources.

Lupien (U.S. Patent No. 6006091) discloses a set of resources (see table 3 and col. 1 lines 55-67, col.5 lines 45-56, and col. 7 lines 13-16). However, Lupien fails to disclose wherein the selecting step includes: examining a first and second set of base station capabilities as determining factor for executing allocation request otherwise reject allocation request.

Therefore, this limitation, in conjunction with the other limitations recited in claims 1 and 11 are novel and unobvious in view of Holur et al., and further in view of Lupien, and the prior art of record.

Consider claim 15, the best prior art found during the examination of the present application, Holur et al. fails to disclose the method wherein the staggering step includes choosing a dedicated physical channel offset (DOFF) value for an uplink coded

composite transport channel (CCTrCH) to stagger the TTI ends; and choosing a DOFF value for a downlink CCTrCH to stagger the TTI starts.

Holur et al. discloses a method for allocating resources to reduce processing requirements in a wireless communication system including a base station and a single radio network controller (i.e. serving node) (abstract, col. 1 lines 12-35, col. 1 lines 46-55, and col. 2 lines 12-22), (method for managing wireless bandwidth resources, which includes the mobile unit, the base station, and the serving node) the method comprising the steps of:

receiving an allocation request for a new service at the RNC (col. 1 lines 57-63, col. 5 line 60-col. 6 line 4, and col. 6 lines 25-29), (receiving at a serving node a service request);

selecting resources by the RNC to allocate to the new service that takes into account the capabilities of the base station (col. 6 lines 29-51, and col. 15 lines 43-47), (initiating a session may involve allocating radio resources, establishing an RP session between the base station and the serving node); and

executing the allocation request by the RNC if a set of resources can be found that does not exceed the capabilities of the base station, then executing the allocation request by the RNC; else rejecting the allocation request by the RNC (col. 1 lines 26-35, col. 6 lines 48-56, and col. 15 line 44-col. 16 line 39), (base checks whether available resources will support requested service, and sends acknowledgement to serving node, serving node sends result to mobile unit for allowance or nonallowance). Holur et al. fails to disclose a set of resources.

Lupien discloses a set of resources (see table 3 and col. 1 lines 55-67, col.5 lines 45-56, and col. 7 lines 13-16). However, Lupien fails to disclose the method wherein the staggering step includes choosing a dedicated physical channel offset (DOFF) value for an uplink coded composite transport channel (CCTrCH) to stagger the TTI ends; and choosing a DOFF value for a downlink CCTrCH to stagger the TTI starts.

Therefore, this limitation, in conjunction with the other limitations recited in claims 15 is novel and unobvious in view of Holur et al., and the prior art of record.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

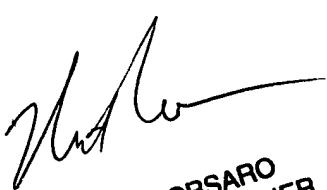
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
EOE  
3/29/06

  
NICK CORSARO  
PRIMARY EXAMINER